

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Disability Support Alliance, on behalf
of its members; and Zach Hillesheim,

Case No. 15cv2747 DWF/BRT

Plaintiffs,

v.

**DEFENDANT'S
MOTION TO DISMISS**

The Hitching Post of Marshall, Inc.;
and Thomas L. Handeland,

Defendants,

The Hitching Post of Marshall, Inc, and Thomas L. Handeland, Defendants herein,
hereby move the United States District Court, District of Minnesota for an order:

1. Pursuant to Fed. R. Civ. P. 12(b)(1), dismissing Plaintiffs' compliant in its entirety, for lack of subject matter jurisdiction;
2. Pursuant to Red. R. Civ. P. 12(b)(6), dismissing Plaintiffs' complaint in its entirety, for failing to state a claim upon which relief may be granted;
3. In the alternative, to the extent Plaintiffs' claims arising under federal law are dismissed for the reasons stated above, dismissing any remaining claims over which this court has only supplemental jurisdiction; and
4. Such other and further relief as the court may deem just and proper.

This motion is based upon all the accompanying Memorandum of Law and all files, records, and proceedings, herein.

Signature on following page.

Dated this 14th day of August, 2015.

STONEBERG, GILES & STROUPE, P.A.

By: s/Kevin K. Stroup
Kevin K. Stroup, Attorney Reg. No.170094
kevin@sgslawyers.com
300 South O'Connell Street
Marshall, Minnesota 56258
Telephone: (507) 537-0591
ATTORNEYS FOR DEFENDANT